

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Richard C. Vogel

Serial No.: 09/458,280

Filed: December 10, 1999

For: THERAPEUTIC APPARATUS FOR  
TREATING ULCERS

**MAIL STOP 313(c)**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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Examiner: Danton D. Demille

Group Art Unit: 3764

Attorney Docket No.: VAC.331.A

**CERTIFICATE OF  
TRANSMISSION/ MAILING**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to MAIL STOP PETITION Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

February 10, 2005  
Date

*Cherie Ridout*  
Cherie Ridout

**PETITION UNDER 37 CFR 1.313(c)(2)  
TO WITHDRAW FROM ISSUE**

Pursuant to 37 C.F.R. § 1.313(c)(2), Applicants respectfully request that Application No. 09/458,280 be withdrawn from issue to consider Applicants' accompanying request for continued examination of the application. Withdrawal from issuance is necessary so that the Examiner may consider references, submitted in the accompanying Information Disclosure Statement and Form PTO/SB/08A, that were not previously made of record in the application. As set forth in the accompanying Fee Transmittal Form, the Commissioner is authorized to deduct all necessary charges, including the fee set forth in § 1.17(h), from Kinetic Concepts, Inc.'s Deposit Account No. 500-326.

Respectfully submitted,

*Robert W. Mason*

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/458,280        |
| Filing Date            | December 10, 1999 |
| First Named Inventor   | Richard C. Vogel  |
| Art Unit               | 3764              |
| Examiner Name          | Danton D. Demille |
| Attorney Docket Number | VAC.331A          |

Enclosed is a petition filed under 37 CFR 1.17h that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 500326:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Robert W. Mason  
Signature

Robert W. Mason  
Typed or printed name

February 10 2005  
Date

42,848  
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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